

Hivastan™

For Use Only Under Section 18 Authorization New York File Symbol: 09-NY-03

For use only as authorized in New York by the U.S. Environmental Protection Agency (EPA) under Section 18 of FIFRA. These use directions must be in the possession of the user at the time of application and will expire on **September 30, 2009**.

ACCEPTED

June 4, 2009

FOR THE CONTROL OF VARROA MITES

New York State Department
of Environmental Conservation

Division of Solid & Hazardous Materials

ACTIVE INGREDIENT:

Fenpyroximate (CAS #134098-61-6) 0.3%

OTHER INGREDIENTS: 99.7%

Total . . 100.0%

EPA Est No. 2724-TX-1

<p>KEEP OUT OF REACH OF CHILDREN CAUTION SEE ADDITIONAL DIRECTIONS AND PRECAUTIONS</p>

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with these use directions. Read all directions for use prior to use of this product.

GENERAL INFORMATION

HIVASTAN™ is a contact miticide which controls the *Varroa* mite when placed into the colony. The product is a thick, pliable formulation that bees find attractive and it is easily formed into a patty. **HIVASTAN** is applied directly into the colony where bees find it and begin removing it. In the process of removing the product from the hive, the bees transfer the product to other bees within the colony thereby controlling mites.

Effective control may be achieved by treating hives in the spring or fall prior to or after honey flow. Do not apply **HIVASTAN** during periods of honey flow. The treatment is most effective when the colonies are brood free or when brood rearing is lowest. Remove or destroy weak and queenless colonies prior to application. Treat all hives within each bee yard or apiary at the same time. Do not treat more than twice a year for *Varroa* mite control.

APPLICATION Pesticide Product Registration

Applicator must wear protective (chemical-resistant) gloves when applying this product.

To control *Varroa* mite, place one scoop or 225 grams (8 oz) per hive onto a substrate suitable for holding the formulation (paper, wax paper, or cardboard). Two 8 ounce treatments per year per colony are permitted. Each beehive can receive a maximum of 1 pound (16 ounces) of **HIVASTAN** per year. Spread the formulation to create a patty that can be easily placed on the top of the brood frames, make the patty thin enough to allow easy access by the bees. Use the same amount of product regardless of whether the colony is either a one or two brood box colony. For two brood box colonies, place the patty on top of the frames of the bottom box so that the patty is between the two boxes. It is important that the patty be placed in closest proximity to the brood cluster.

The initial application (225 grams), in typical circumstances, will last six weeks. It will be necessary to remove product that has not been removed by the bees in six weeks. It has been noted that during the initial 48-72 hour treatment period there is a higher incidence in average bee mortality than in untreated colonies. This higher mortality incidence will decline to normal averages after this initial period.

APPLICATION TIMING

For maximum efficacy, apply during morning or late afternoon hours. Applications are not recommended during extreme temperatures > 100° F when the product can become physically less manageable. Apply twice a year to keep mite populations suppressed.

Resistance Management Program

It is important to monitor hives periodically for mite infestations as part of good management practices. **HIVASTAN** is an important part of an IPM program. Rotational use patterns are essential in any mite management program. Rotation on a semiannual basis with other approved *Varroa* control products such as **APISTAN**® will ensure proper control and will reduce the risk of tolerance development within mite populations.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage and disposal. **Storage:** Store in cool, dry place (<90° F). Store separately from food and feed in closed, original containers out of the reach of children. Protect from light and humidity. **Pesticide Disposal:** Dispose of spilled product, it cannot be used further. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Disposal:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND

DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

FIRST AID

If in eyes

- Hold eye open and rinse slowly and gently with water for 15-20 minutes
- Remove contact lenses, if present, after the first 5 minutes, then continue rinsing
- Call a poison control center or doctor for treatment advice.

Have the product container or use directions with you when calling a poison control center or doctor, or going for treatment. You may also call 1-800-347-8272 for emergency medical treatment information.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

WARRANTY AND DISCLAIMER

Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, expressed or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

For information or in case of emergency, call 1-800-347-8272.

Wellmark International
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Schaumburg, Illinois 60173

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Schaumburg, IL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

New York State Department of Environmental Conservation
Bureau of Pesticides Management
Pesticide Product Registration
Division of Solid & Hazardous Materials
625 Broadway
Albany, New York 12233-7254

Attn: Cyndi Crowley

DATE ISSUED: June 1, 2009
FINAL REPORT DUE: March 30, 2010
EXPIRATION DATE: September 30, 2009
FILE SYMBOL: 09-NY-03

The U.S. Environmental Protection Agency (EPA) hereby reissues a specific exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the New York Department of Environmental Conservation for the use of fenpyroximate formed into a patty to be placed in beehives to control varroa mites (*Varroa jacobsoni*).

In e-mail correspondence dated May 29, 2009, the New York Department of Environmental Conservation recertified that the emergency condition still existed and that there were no changes to the use directions as approved in the authorization letter dated March 22, 2007, including but not limited to the use rate or type of application, etc. Conditions of this exemption are given below:

1. The New York Department of Environmental Conservation is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 Code of Federal Regulations (CFR) §166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and to the EPA Region 2 office by March 30, 2010 or prior to requesting another specific exemption for this use.
2. The product Hivastan[®] containing 0.3% fenpyroximate (currently there is no EPA Registration number) manufactured by Wellmark International Corporation may be used. All applicable directions, restrictions and precautions on the proposed product label as well as the section 18 use directions submitted with the application must be followed.
3. For control of varroa mites, two 8 ounce treatments per year per colony are permitted. Each beehive can receive a maximum of 1 pound (16 ounces) of Hivastan[®] per year.
4. Treatments are not to be applied during periods of honey flow. Effective control may be achieved by treating hives in the spring or fall prior to or after honey flow.

5. Applicators must wear protective (chemical-resistant) gloves when applying product.
6. To control varroa mite, place one scoop or 225 grams (8 oz) per hive onto a substrate suitable for holding the formulation (paper, wax paper, or cardboard). Spread the formulation to create a patty that can be easily placed on the top of the brood frames, make the patty thin enough to allow easy access by the bees. Use the same amount of product regardless of whether the colony is either a one or two brood box colony. For two brood box colonies, place the patty on top of the frames of the bottom box so that the patty is between the two boxes. It is important that the patty be placed in closest proximity to the brood cluster. The initial application (225 grams), in typical circumstances, will last six weeks. It will be necessary to remove product that has not been removed by the bees in six weeks. The treatment is most effective when the colonies are brood free or when brood rearing is lowest. Remove or destroy weak and queenless colonies prior to application. Treat all hives within each bee yard or apiary at the same time. Do not treat more than twice a year for varroa mite control.
7. For maximum efficacy apply during morning or late afternoon hours. Applications are not recommended during extreme temperatures >100 degrees Fahrenheit when the product can become physically less manageable.
8. The available data support a time-limited tolerance for the residues of fenpyroximate per se in honey at 0.10 part per million (ppm). This time-limited tolerance expires on December 31, 2010.
9. An adequate enforcement analytical method for crop matrices, a gas chromatography method with nitrogen/phosphorus detection (GC/NPD), Method 19, is available to enforce the tolerance expression. The method has passed EPA Petition Method Validation (PVM) and may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305-5229; e-mail address: furlow.calvin@epa.gov.
10. In accordance with 40 CFR 166.32(a), the EPA Headquarters and EPA Region 2 offices shall immediately be informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.
11. Fenpyroximate treatments can be made until September 30, 2009.

In the event that this program will be sought in the future under an emergency request, the Agency is making a preliminary determination that this specific exemption is eligible for the streamlined recertification application process under 40 C.F.R. 166.20.

Any future correspondence in connection with this authorization shall refer to file symbol 09-NY-03.

Lois Rossi

Lois A. Rossi, Director
Registration Division

Date: June 1, 2009

cc: Adrian Enache, USEPA Region #2
Adrian Enache/R2/USEPA/US